

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF BUSINESS MEETING

Monday, October 8, 2007 - 7:30 p.m.
Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Ransom, Deputy Mayor Fimia, Councilmember Gustafson, Councilmember Hansen, Councilmember McGlashan, Councilmember Ryu, and Councilmember Way.

ABSENT: None.

1. CALL TO ORDER

At 7:44 p.m., the meeting was called to order by Mayor Ransom, who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Ransom led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Deputy Mayor Fimia, who was expected to arrive shortly. She arrived at 7:50 p.m.

3. REPORT OF THE CITY MANAGER

Bob Olander, City Manager, provided updates and reports on various City projects, meetings, and events. He announced that the State Department of Social and Health Services and the City of Shoreline are conducting a long range planning exercise for property that is currently underutilized on the Fircrest School campus. There will be an open house on October 10 concerning this property. He said the Clean Sweep event is October 13 at the Shoreline Park & Ride. There is also a Housing Strategy Community Meeting on October 9 at the Shoreline Fire Department Training Facility, and an Economic Development Summit sponsored by King County Councilmember Bob Ferguson on October 9 at the Lake City Elks Club. Finally, there will be a Sustainability Strategy Conversation for the solicitation of public input on October 11 in the Shoreline Room at the Shoreline Center.

4. REPORTS OF BOARDS AND COMMISSIONS

Mayor Ransom said he needs the Council requests for Boards and Commissions by tomorrow. He added that the WRIA-8 position is open.

Councilmember Hansen read a statement concerning a comment he made at the previous meeting about sending jail inmates to Mexico. He said the comment was made in jest and nobody said anything about it. However, an individual in the City felt the remark was inappropriate and wrote an e-mail to complain. Councilmember Hansen said the reference was not meant to shock or offend anyone, and his choice of specific location was unfortunate and unwise. He said since his comment was made entirely in jest, he shouldn't have said it at all. He added that he used Mexico to represent a place far away and never referred to any ethnic, gender, or racial groups. He apologized and said never asserted that Mexicans are the problem in Shoreline or have anything to do with jail overcrowding. He apologized to Mr. Gonzalez if he was offended by the comments. Finally, he commented that the flood control group meeting was delayed until further notice.

Deputy Mayor Fimia said that tomorrow there will be an Economic Development Summit meeting hosted by King County Councilmember Ferguson.

Councilmember McGlashan said he attended the Shoreline Library parking lot dedication and thanked everyone who attended.

Mayor Ransom said he also attended the Shoreline Library parking lot dedication and met the Library Board members. He once again reminded Council members to get their preferences for board and commission committee appointments to him.

Councilmember Way discussed an article in the Seattle Times titled "Urban Village may be next for industrial site." She said it refers to Pt. Wells and that Woodway and Shoreline are interested in annexing property. She provided a copy of the article to the City Clerk.

Mr. Olander said this is something the City staff is tracking closely. He felt there should be a policy review with the City Council and the Richmond Beach community because of the potential impacts. He added that there are some very serious, police, fire, and utility issues involved with this development, and there are several legal and critical issues to be discussed concerning annexation.

5. GENERAL PUBLIC COMMENT

(a) Bronston Kenney, Shoreline, said he read the lawsuit article in the Enterprise. He said there was no evidence of an illegal Council meeting and it was only discussed in Steve Burkett's deposition. He said the suit was about the ongoing issue of who's going to control Shoreline -- the developers or the residents. He said he doesn't want to subordinate the City's interests to the developers. He commented that good development enhances the community, but poor development detracts. He said it is time for Pro Shoreline to tell us what they propose and discuss issues rather than personalities. He said Brian Sonntag rescinded his statement and endorses Deputy Mayor Fimia in the next election.

(b) Jacqueline Nilson, Shoreline, said there have been some unintended consequences in North City, noting that an Environmental Protection Agency (EPA) study was done before the project ended. She said the area has 65-foot commercial building heights for developers no matter how it affects neighbors. She said there is a second building going up and no one has to notify the neighbors even though the building is located right next to them. She noted that parking and speeding are big issues, and the apartment tenants have to pay for parking in addition to rent. People are parking illegally, and there are another 200 units being built with all of the cars coming out of the same driveway on the same block. She felt the City should be concerned about population and giving 10-year tax exemption for multi-resident buildings.

Councilmember Way inquired if there are sidewalks on 180th. Ms. Nilson responded that there is now a sidewalk that is the length of Arabella. She said there aren't any on the other side of the street, nor streetlights.

Mr. Olander confirmed for Mayor Ransom that the Arabella did not receive the tax exemption. He said North City did allow a certain number of units for a tax exemption, but hasn't heard of the Arabella applying for one.

(c) Nora Kristjansson, Shoreline, said she hasn't forgotten the gambling political action committees (PAC), the Shoreline Merchants Association, the Aurora Improvement Council, and Concerned Citizens for Shoreline. She said all of those groups tried to block building the first phase of Aurora and supported all candidates who worked to do the same. She said what we have today is a beautiful, safe, and business-friendly corridor. However, these organizations tried to use "scare tactics" and stated the project would negatively impact the City in a number of ways. Now the same people support the slate of Scott, Fimia, and Eggen for City Council. She suggested that the City keep doing things right and not let them get elected.

(d) Les Nelson, Shoreline, commented on the poor quality of the Council meetings broadcasts on Channel 21. He added that in the last two weeks there have been times when the meeting hasn't been shown at all. He noted that all of the exhibits were in color, but when it was on television it was shown in black-and-white. He said that he looked at the meeting that was shown today and it was very fuzzy, but at least it could be heard. He said he sees seven cameras in the room and is very skeptical that it can't be improved. He added that he was told there were glitches in the way it was recorded and was told he could pick up a DVD. He asked if the DVD is clear, why not show the DVD on TV?

(e) Dennis Lee, Shoreline, commented that the Concerned Citizen's for Shoreline was a 501c3 non-profit group, not a PAC. He continued and said people came to them asking how the process worked. He discussed the dinner meeting topic of form-based codes, but said the City needs to have a Comprehensive Plan review and do some concurrency before looking at form-based codes. Then, he stated, the City won't need to keep doing Comprehensive Plan amendments. He discussed Ridgecrest and stated that the houses down the hill should have infill development if they want it. He said the City

must promise that there will be a review of the area so it won't be something that the residents oppose.

(f) Elaine Phelps, Shoreline, stated that Councilmember Gustafson complained about not being included in the alleged illegal meetings and she doesn't know why he was complaining. She stated that the Council moved Mr. Burkett's contract renewal up a month early because they thought Councilmember Way wouldn't be participating. She said candidates who supported Pro Shoreline should not be elected because they will not protect the City.

Mr. Olander responded to Ms. Nilson's comments, noting that the City is working with the North City neighborhood on traffic enforcement, investigating parking enforcement, and looking at the streetlights and sidewalks in that area. He said there was a Planned Action Environmental Impact Statement done for North City, not an EPA report. This document looked at all of the potential development that could go on and the maximum potential development in North City. That is why any subsequent environmental review is not required because that EIS covered it all. He responded to Mr. Nelson and stated the City has had some issues with Channel 21. He asked City Clerk Scott Passey to elaborate.

Mr. Passey stated that the City has moved to a new format for broadcasting the slides and the Council meetings. He said it is a web-based Windows media format which allows the City to program the cable channel from any computer, which is good for emergency preparedness. The disadvantage, he stated, is that some resolution has been lost and the City is working with the Information Technology department to get it back to the previous level.

Mr. Olander said the Council meetings are not only available on Channel 21; they are available on-demand via the City's website.

Councilmember Hansen commented that Ms. Phelps made a misstatement. He said Mr. Burkett's performance review was moved up, not his contract.

6. APPROVAL OF THE AGENDA

Deputy Mayor Fimia moved approval of the agenda. Councilmember McGlahsan seconded the motion, which carried 7-0.

7. CONSENT CALENDAR

Councilmember Hansen removed the minutes of Special Meeting of August 20, 2007 from the Consent Calendar. Deputy Mayor Fimia moved approval of the Consent Calendar as amended. Councilmember Way seconded the motion, which carried 7-0, and the following items were approved:

(a) **Minutes of Workshop Dinner Meeting of September 24, 2007**

- (b) **Approval of expenses and payroll as of September 27, 2007 in the amount of \$1,646,393.59 as specified in the following detail:**

Payroll and Benefits:

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/26/07-9/8/07	9/14/2007	20659-20844	6869-6915	33961-33970	\$368,139.61
					<u>\$368,139.61</u>

Accounts Payable Claims:

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
9/13/2007	33886	33924	\$138,628.31
9/14/2007	33925		\$159,000.00
9/14/2007	33925		(\$159,000.00)
9/14/2007	33926		\$159,000.00
9/17/2007	33927		\$9,057.00
9/17/2007	33928	33948	\$239,530.09
9/18/2007	33949		\$698.00
9/18/2007	33950	33960	\$20,979.56
9/27/2007	33971	33992	\$473,940.39
9/27/2007	33993	34014	\$232,570.63
9/27/2007	34015		\$3,850.00
			<u>\$1,278,253.98</u>

- (c) **Motion to Authorize the City Manager to Execute a Contract for Prosecution Services with the Law Office of Sarah Roberts**

8. ACTION ITEM: PUBLIC HEARING

- (a) Public hearing to receive citizens' comments regarding Ordinance No. 478, amending the Municipal Code Sections 20.30.560 Categorical Exemptions, and 20.50.020(2) Densities and Dimensions for Residential Development in Certain Commercial Zones

Sid Kuboi, Planning Commission Vice Chair, called the Planning Commission meeting to order. Upon roll call by the City Clerk, the following Planning Commission members were present: Vice Chair Sid Kuboi, Commissioner Michael Broili, Commissioner Will Hall, Commissioner David Harris, Commissioner Robin McClelland, and Commissioner David Pyle. Absent members included Chair Rocky Piro, Commissioner Chakorn Phisuthikul, and Commissioner Michelle Wagner.

Mr. Olander explained that the item would be broken into two separate items. He said the SEPA amendments, Amendment #5 is first. He said after the staff report is given, the City Council and Planning Commission will then take public comment, followed by questions from the City Council and Planning Commission. Following this, the City staff will cover Amendment #9.

Joe Tovar, Planning and Development Services Director, and Steve Szafran, Planner, He outlined that Ordinance No. 478 was on the Council agenda after a recommendation from the Planning Commission to adopt 14 zoning code amendments. The Council adopted all of them except for Amendment #5. The Planning Commission then had two public hearings concerning these items and recommended approval to the Council. He said the Council directed the City staff to have a joint public hearing with the Planning Commission and for the City staff to hold an informational public workshop, which was held on September 27. Thirty people attended this informational public workshop, and staff listened to questions and provided answers at that workshop pertaining to both issues. He reviewed the proposed sequence and said the staff report explains that no decision has to be made tonight. He added that the Planning Commission will leave this meeting and prepare a final recommendation for the Council, who will then take everything into account and prepare a final decision on Amendment #5 and Amendment #9.

Deputy Mayor Fimia commented that the Council also has the option of giving the City staff and/or the Planning Commission direction to bring back more options.

Mr. Tovar said he would defer to the City Attorney to determine whether or not the public hearing should be left open.

Ian Sievers, City Attorney, said that this involves the degree to which any new information differs from what the Planning Commission considered. He added that a new scope would need a new open public hearing in the Planning Commission.

Councilmember Way stated that dividing the two items still means that the public can comment on both sections.

Deputy Mayor Fimia inquired if it was procedurally necessary to split them.

Mr. Tovar responded that they were separated because there is a lot of comment on the CB zone item, so it makes sense to differentiate it from the SEPA threshold amendment.

Councilmember Way felt that separating the SEPA piece doesn't mean it is separate. She said they do impact each other.

Mr. Szafran communicated that Amendment #5, the SEPA exemption, exempts new residential structures up to 20 units, any new commercial space up to 12,000 square feet with parking for up to 40 automobiles, and any parking lot for up to 40 automobiles. This amendment was proposed because it saves time and costs and prevents redundant

reviews. He added that the Shoreline Development Code (SDC) covers regulations for such developments and any development in a critical area will have to go through SEPA. Additionally, short plats, long plats, conditional use permits, variances, rezones, comprehensive plan amendments, and clearing and grading permits will continue to be noticed. He said the staff looked at past SEPA appeals and have found twelve since 1997. Of those, SEPA review still would have happened even under the greater thresholds.

Mr. Tovar clarified that even if the amendments that are being proposed were in place in 1995, the City still would have had those twelve SEPA appeals because they dealt with larger projects. He pointed out that after hearing from the public, the City is now proposing to reduce the thresholds by half. In other words, revising the residential structures exemption to 10 units; changing the new commercial space size to 6,000 square feet; and changing the parking lot restriction to 20 automobiles. This would still reduce redundant paperwork and save staff time.

Mr. Olander said the staff is recommending this because they feel that the City has adequate environmental regulations in place. He added that these lower thresholds are more than adequate, and having SEPA apply to smaller projects is unduly redundant.

Councilmember Hansen questioned the need for reducing the SEPA thresholds now, given that the code has been in effect since 1995 and all the appealed projects would have had the same SEPA review under the proposed changes.

Mr. Tovar said he is sensing the community is saying that the City should only regulate this when needed.

Councilmember Gustafson moved to open the public hearing. Councilmember Hansen seconded the motion, which carried 7-0.

Mayor Ransom noted that the Council will hear speakers for Amendment #5 (SEPA thresholds) first.

(a) Chris Eggen, Shoreline, said he is confused by the testimony presented. He said he knows of at least two SEPA appeals in Shoreline over the past two years. He said the SEPA process gives environmentally concerned citizens rights that the Planning Commission doesn't give. He explained that it provides the opportunity to present evidence, to have an unbiased court hearing, and to know why an appeal is rejected. This, he said, isn't necessarily true of a plat hearing. He highlighted that most SEPA appeals fail, but not all of them. Additionally, there are SEPA appeals which unveil important issues that would have been undiscovered if the appeal hadn't been filed.

Mr. Tovar introduced Jeff Forry, Permit Services Manager. Mr. Forry stated there have been 45 appeals filed in the past 12 years concerning land use and building proposals. Of those 45, 12 concerned SEPA and none of them fell within range that is being considered under the flexible thresholds range under SEPA. He added that SEPA is in place for

subdivisions of four lots and long subdivision plats regardless of the number of dwelling units.

Mr. Eggen verified that if a resident has a large undivided plat of land and it is divided into more than four lots it will be subject to SEPA.

Mr. Forry concurred, noting that large subdivisions are required by state law to go through environmental review.

Deputy Mayor Fimia said if subdividing requires additional review, then the spirit of the law says that if a resident is going to build 10 units on their property, they would still need a SEPA review. Mr. Tovar stated that the City staff is proposing that the threshold be 10, instead of four. Deputy Mayor Fimia inquired why SEPA is required for subdividing into four or more plats, but not recommended for developments of 10 units.

Mr. Tovar differentiated between the terms "plat" and "unit," explaining that a plat involves dividing land, putting in roadway improvements, and dividing up parcels for future building pads. On the other hand, a townhouse could be built on one parcel of land and is an attached rather than detached, development.

Councilmember Way stated that the "unit" measurement could still have significantly more people, cars, and overall impact on an area and could be greater than the subdivision.

Mr. Tovar responded that there would still be requirements related to maximum lot coverage, height, setbacks, and surface water drainage. He added that just because SEPA doesn't regulate a development doesn't mean that there is no regulation.

(b) Jim Abbott, Shoreline, stated he has been a resident since 1986 and he supports Amendment #5 and the current compromise submitted by Mr. Tovar at this meeting.

(c) LaNita Wacker, Shoreline, supported the original amendment as proposed by staff, noting that it costs taxpayer money and staff time to review this unnecessary paperwork. This is inefficient because and isn't necessary because environmental protections are already in the development code and sensitive areas are already protected under the critical areas ordinance. She added that public notice is still provided for short and long plats, which is any division of land. She highlighted that if Shoreline wants to be a business-friendly City, then it needs to change commercial zones from R-4 to R-12 and change the parking lots. She added that someone needs to invite small businesses and investors to our City. She also added that on-site groundwater detention is in the development code. The development code also has stipulations for replanting and a mandatory threshold for traffic counts; there is even a stipulation that says the City can demand mitigation. She urged the Council and public to read the City's development code.

(d) Helen Zatarain, Shoreline, stated there are many people who questioned the redundancy involved. She said she knows there has been research done in Shoreline, but asked about the rest of the state.

Councilmember Way clarified that Ms. Zatarain wanted to ensure the City has done its research and compared this with other cities in the state.

(e) Dennis Lee, Shoreline, said the SEPA checklist is a long piece of paper that has to be filled out. The developer fills it out and the City staff makes a determination on whether there is environmental impact. In that timeframe an appeal can be filed. He added that citizens have the opportunity to address the SEPA and bring items to the attention of City staff. He opposed Amendment #5. He said as a member of Concerned Citizens of Shoreline he spent hours lobbying the Planning Commission to adopt the streams inventory. Back then, he said, Tim Stewart was the Planning Director and he withdrew it from the table. He added that he isn't convinced that the City's code has all the protections in it. He concluded that the SEPA checklist acts as a failsafe.

(f) Bonnie Biery, Shoreline, commented that utilizing the SEPA process is the only opportunity citizens have to provide input about environmental impacts. She said humans are experiencing compound effects of changing surroundings. She noted that there are a host of adverse impacts from development. She pointed out that there used to be much more open space 10 years ago, but new development has taken much of it. She felt that SEPA checklists bring issues to light for developers quickly. Once a SEPA report is filed, the Planning Department has to establish either a Determination of Non-Significance (DNS) or an Environmental Impact Statement (EIS) and the only appeal that can occur is a lawsuit in Superior Court. She urged the Council to vote against this.

(g) Les Nelson, Shoreline, said he is amazed at the wording that the "SEPA process currently frustrates the Growth Management Act (GMA) goal of a timely process." He said for 12 years the City and the public have been working to improve the codes. He felt the City doesn't have proper guidelines for setbacks, buffers, and transition zones between single-family and multi-family developments. He said residents often think they are protected, but they aren't. He hoped the Council votes against the amendment.

(h) Colleen Holbrook, Shoreline, urged the Council to reject this because it needs to be evaluated. She discussed a subdivision in the City that was built on stilts.

(i) Elaine Phelps, Shoreline, said the City's codes are not perfect, but they can change with the change of one Councilmember. She felt things have greatly improved under the present Council majority. The City needs to also rely on SEPA standards because they are more immune to rapid change. She appreciated the intentions of Mr. Tovar, but truly believed this is not adequate. She said the current Council has been sensitive to neighborhood and environmental issues and hoped that is considered. She added that while it may be more expensive to have the Planning Department review these development applications, it is more responsible. She also commented that

neighborhood meetings serve no purpose at all because they're conducted by developers. She urged the Council not to adopt the ordinance.

(j) Ernie Pile, Shoreline, commented that under state law there are four scenarios under which someone could appeal a SEPA threshold determination. One of them is by a director's error, and this one seems to pertain to this. He said it would be prudent for someone to explain how and when an appeal can be filed. He added that he doesn't think everyone understands how SEPA operates.

Mr. Tovar responded that there are many things that are subject to an appeal, for example, short plats, or anything next to a critical area.

Mr. Olander asked City Attorney Sievers to comment on the grounds for an appeal. Mr. Sievers responded that administrative appeals to the Shoreline Hearing Examiner can be based on erroneous application, interpretation of the law, procedural errors, or criteria that evaluates a project through SEPA not supported by substantial evidence in the record. An appellant has to exhaust the administrative appeal before going to Superior Court on a land use petition act appeal (LUPA). He also said the state statute under LUPA has its own criteria for appeal. The standing is fairly loose for SEPA, meaning that a person can allege any material harm within the project notice radius.

Commissioner McClelland brought up Ms. Zatarain's question about whether or not the City has compared our thresholds with other cities.

Mr. Forry provided some brief comparisons but concluded that it's really based on the needs, desires, and goals of the individual community.

Responding to Councilmember Way, Mr. Sievers clarified the SEPA appeal process. He noted that individuals bringing an appeal have more opportunity to speak, produce their own body of evidence, and cross examine witnesses.

Responding to Commissioner Harris, Mr. Forry clarified that the SEPA thresholds in Edmonds, Lynnwood, and Lake Forest Park are similar to those under which Shoreline operates.

Councilmember Way provided a copy of the SEPA checklist for these two amendments. She noted that the date on the SEPA checklist is different from Ordinance No. 478. She asked why the DNS was issued before the SEPA checklist.

Mr. Sievers wondered if it was an amended checklist. He said the original list of amendments have been before the Council and the SEPA was done some time ago.

Mr. Tovar said he would have to review the checklist and provide an answer for her tomorrow.

Councilmember Way called attention to a question on the checklist and asked if there were any applications pending when the SEPA checklist was filled out. Mr. Tovar responded that this is a non-project action, so the answer is no, or not applicable. The nature of this action isn't specific to one parcel, it's city-wide. This question, he said, applies to individual development code amendments.

Councilmember Way stated that in the Surface Water Master Plan, page 24, the Surface Water Program requirements, Table 3-1, NPDES, endangered species, and Plan of Action, it reads: "The 1998 King County Surface Water design manual does not meet the minimum requirements defined by ecology's basic and comprehensive program under the Puget Sound Plan for drainage review thresholds, flow control requirements, water quality requirements, erosion and sediment control, and other requirements." She added that, "Cities should adopt the new 2005 King County Surface Water Manual." She commented that she knows the City is working on adopting that document, but asked how the City can do a SEPA action when a major document that we're basing it on isn't adopted yet.

Mr. Forry said the City can't use SEPA to reevaluate our ordinances and regulations that the Council has adopted. The City can only implement mitigation for those things that aren't in our ordinances. The City's ordinances, he said, have been adopted to implement the 1998 King County Surface Water Manual, which is the standard of review. The City, he explained, can't use SEPA as an opportunity to review those ordinances on a project-specific basis.

Mr. Olander pointed out that SEPA doesn't get you to the 2005 standards. Staff's goal is to adopt those new standards, but we can't use the SEPA checklist to adopt the new regulations.

Deputy Mayor Fimia felt that the City is experiencing a sense of loss of control with growth and development. She felt that there are safeguards in place and the public perception is to keep them.

RECESS

At 9:43 p.m., Mayor Ransom called for a five-minute recess. The meeting reconvened at 9:53 p.m.

Mr. Tovar explained that Amendment #9 is the part of the Ordinance that deals with how the City regulates residential density in those Community Business (CB) zones that are within a five-minute walk from transit on Aurora Avenue or Ballinger Way. He noted that the rationale for removing the density limits is to increase housing choice. Both Mr. Hinshaw and Mr. Burden, who were guest speakers during the City's 2010 Speaker Series, reviewed that housing choice is served by increasing urban density where there are services, infrastructure, and transit. Additionally it was communicated during the series that increased density achieves transit viability, walkability, and improved health.

He stated that there is a bigger picture and every step taken has an implication bigger than that site.

MEETING EXTENSION

At 9:57 p.m., Deputy Mayor Fimia moved to extend the meeting until 11:00 p.m. Councilmember Ryu seconded the motion, which carried 7-0.

Steve Cohn, Senior Planner, gave a brief background on zoning in the City of Shoreline. He noted that the CB zone is limited to 48 units per acre. He stated that densities can also be determined by height, bulk, and parking ratios. He added that the market decides how many units should be on site. This, referring to the zoning map he displayed, is already done in the Regional Business (RB) zone. He said this zoning only affects some designated Mixed Use (MU) areas, which are the striped areas on the map. These areas are either already zoned CB or could be zoned CB; this applies to areas within walking distance from Aurora Avenue and Ballinger Way. Specifically, this applies to 50 acres along Aurora Avenue and another 30 acres along Ballinger Way which will take at least 20 to 25 years to fully develop. He highlighted that the City staff and the Planning Commission suggest that the development should be focused on targeted areas that are a good place for this development and that will have the least amount of impact. The 20-year potential development has the potential of carrying 1,100 to 1,200 new units along Aurora Avenue, which is 60 blocks long; therefore, the number of units per block is approximately 20. He said that this shouldn't be implemented in the entire CB zone; the Planning Commission has suggested that the appropriate boundary be 1,300 feet. This boundary proposal was discussed at one of the Planning Commission public meetings and many of the people who were there are here to speak to the Council. He said there were concerns about traffic and changes to zoning. He stated it is the consensus of the Planning Commission and the City staff that traffic will not be an issue. He added that there was a concern about speculators purchasing property, but again the consensus is that it won't be an issue. Finally, he clarified that changing any of the areas that are not designated MU or CB areas requires a Comprehensive Plan amendment.

Mr. Olander stated that an additional 1,100 to 1,200 units is over and above what the current CB zoning would allow. Currently, the City is growing at a rate of 200 to 300 people per year and there is a potential of adding over 2,000 people over 5 to 10 years. These figures should be kept in perspective because it is an incremental amount over a long period of time.

Mr. Cohn stated that there is an amendment on page 39 of the Council packet. He said it adds a footnote to the maximum density allowed in the CB zone.

Mr. Olander pointed out that the same height and setback restrictions will apply and that is currently how the residential densities are regulated in RB zones. The intent of this regulation is to extend that category to CB zones or potential CB zones.

Councilmember McGlashan clarified that the white and yellow areas on the zoning map would have to go through Comprehensive Plan amendments once a year. Mr. Cohn responded affirmatively.

Deputy Mayor Fimia discussed the summary from the Puget Sound Regional Council (PRSC) Draft Vision 2040. She said these predict the actual performance measures after an \$140 billion investment in roads and transit. It assumes a full 125-mile build-out of light rail by the year 2040. She said the average number of jobs within 30 minutes housing by transit goes from .7% to 1.07%. She said the amount of money that is going to be spent on transportation will not get the anticipated results. She felt that if a better plan is created, then the region will be ready to handle the additional density.

Commissioner Broili asked if the intent of this amendment is to facilitate the City's need to meet Growth Management Act (GMA) requirements.

Mr. Cohn replied that there is no intention of doing that. He said the intent is basically to have an opportunity to put additional density where it could be served.

Commissioner Broili pondered if it was just a transportation issue. Mr. Cohn responded that it is not solely a transportation issue because the Aurora Corridor does have services. He said it is an attempt to get people closer to where the services are with the hope that people will walk instead of using a car.

Mr. Tovar added that the City staff isn't proposing this amendment to meet a target or state mandate. He explained that if this City grows naturally by 2,200 people in eight years, then it only makes sense to encourage density in those areas where the services and infrastructure can support it.

Councilmember Ryu said if the City kept the 1,300-foot distance it would impact the single-family neighborhoods adjacent to Linden Avenue and Stone Avenue. She wondered if the staff has addressed parking impacts on those side streets. She said until the City has a good bus system or until the public transit problem is resolved, developments need to provide at least one vehicle space per unit. She asked if this proposal would impact neighborhoods in terms of overflow parking.

Mr. Cohn said the parking requirements are different for the CB zone, but the staff can further explore the issue.

Mayor Ransom called for public comment on Amendment #9.

a) Chris Eggen, Shoreline, said he attended the meeting at the fire station. At that meeting he pointed out that the lines on original maps would cause a developer to speculate that anything within 1,300 feet of Aurora Avenue or Ballinger Way is investment property, which is a legitimate concern. He said while form-based codes do not regulate the number of units, the economic trend is to build as many units as possible. He estimated that the City could end up with many very small units in these apartment

buildings which might be limited by the parking requirements. He added that he has heard from various City staff that the City might trade off parking requirements for increased density. He said the City needs to consider that the problems of tomorrow might be different from the problems of today. This City could wind up with new high-rise tenements in the future. He suggested consideration of a unit limitation in these buildings.

(b) Jim Abbott, Shoreline, commented that there have been multiple public hearings on this, and the misunderstanding and misinformation continues. He said he owns property that is zoned CB, which restricts the number of units on that property to 15. This property is close to Aurora Avenue and NE 185th Street and the current zoning would allow a four-story building. He displayed a drawing showing what kind of development could be built in a CB zone. He pointed out that this can be done under the current rules, but with only 15 units the developer would be forced to build large units or condos. He preferred to build apartments close to Aurora Avenue, and a code amendment would allow the City to do that. He asked that the code amendment be adopted.

(c) Lindsay Standard, Shoreline, stated that she found this issue really vague. She said someone from her neighborhood came around and talked to the residents one by one, but she didn't know what he was talking about. She added that it was difficult to find information on the internet, and she doesn't know the difference between Community Business (CB) and Neighborhood Business (NB). She suggested this topic should be discussed on Channel 21 in terms that are simple to understand. Lastly, she said there is talk around about Council members having a personal interest in Amendment #9. She also said she felt that transit in this area is pathetic.

(d) Michelle Cable said she is a property owner on Ballinger Way, which is in the existing CB zone. She said this amendment has been on the agenda since February. She commented that the table in the packet is misinterpreted, and people incorrectly assume their houses are going to be put into that table. She explained that the current properties that are zoned CB would be allowed to have a higher number of units that would then be limited by the other controlling factors the development code. She said she also asked that the issue be explained in simple terms, and the Planning Commission spent two hours explaining to her how her property and neighborhood would be affected. She said the City Council, Planning Commission, and City staff are always available for questions and comments. She felt that the Planning Commission and the City staff have done the research and analyzed this and she respects their opinion.

Mr. Cohn highlighted that the rules would apply to Ms. Cable's case.

(e) Colleen Holbrook, Shoreline, noted that the current City zoning laws allow for development already. She felt that the people won't walk or take the bus, and that people drive around the parking lot to be closer to the front door. She discussed the health of family and neighbors because of development, traffic, and the removal of trees in this area. She said it is ironic that the City is asked to pay millions for the Aurora

Corridor Project and the Interurban Trail, but she has seen limited use of everything. She commented that she felt the zoning law changes are just for the developers.

(f) Bonnie Biery, Shoreline, stated that she isn't against growth but is concerned with how it occurs. She felt strongly that the proposed changes are not about allowing residential housing in commercial zones, but they are about allowing commercial property development in residential zones. She felt this change "writes off" residents and the neighborhoods along Aurora Avenue and Ballinger Way. She said she would rather see additional transit built closer to Edmonds and Richmond Beach because the existing Park-n-Ride is always full. She concluded that if the City Council feels a towering six-story, 48-unit apartment building sitting five feet away from you should be allowed, then it should vote in favor of the amendment.

(g) Wendy DiPeso, Shoreline, felt that it makes sense to put density on Aurora Avenue, but people feel a sense of loss of control. She urged the City to take a step back and create a visioning process. Informed decisions have to be made concerning our zones and building codes. She said it's not that everyone is against development; it's how it is applied. If this is passed tonight you end up with piecemeal development and political backlash. Additionally, if this is passed, Shoreline will not be a destination location because developers are going to build to the maximum, which will attract commerce like McDonald's and Shari's. The City needs a visioning process which will include the current and future transportation reality. She thanked the Council, Planning Commission, and the City staff for their hard work.

(h) LaNita Wacker, Shoreline, supported the amendment, noting there have been so many misstatements about the ordinance. She said this isn't a rezone of residential property but a change within the CB zone, which is already in the Comprehensive Plan. She said the only communities that are affected are those that are already designated as CB and are within 1,300 feet from Aurora Avenue and Ballinger Way. She added that those areas are already zoned that way and the height restriction of 60 feet is already there. The cubic space of loft area above those businesses is exactly the same, she added. She explained that all this does is allow the owner the flexibility of putting in partitions in that space to allow studio apartments and 1 or 2 bedroom apartments. She further explained that the number of those units will be limited by the number of parking spaces there are per unit. She said that all of the Councilmembers have talked about affordable housing and this housing should be offered to the people who need it.

(i) Les Nelson, Shoreline, said he has a lack of understanding of what is coming concerning this proposal. He said the City says there will be 1,100 residential units in Westminster Triangle along Aurora from 145th to 155th and that the City's web site doesn't show where the 1,300 units will be, but it is still in the text. He added that there is no viable transit on Aurora Avenue. This proposal, he said, is a major change and there are unanswered questions concerning traffic, parking, and buffers next to single family neighborhoods directly behind Aurora Avenue. He submitted a drawing to the

City Clerk showing that single family residences will be in the shadows of adjacent buildings.

(j) Donna Moss, Shoreline, stated she isn't opposed to growth and development but she wanted the City to do it in a smart way. She explained that just because you build it doesn't mean the people will use it. She expressed her concerns about smart growth and felt it might be a good idea to expand to other streets. She said it's time to ask serious questions.

(k) Elaine Phelps, Shoreline, highlighted growth has to be accommodated through increased density. She said she has taken a hard look at the issues and none of this proposal would immediately or directly impact her. However, it will impact some of her friends. She felt the amendment was much too broad and there will be neighborhood consequences, including shadows and physical impacts. She requested a list of all proposals in the Planning and Development Services department concerning this item and who is involved. She felt that the City doesn't have a good transportation system in place and if cars are allowed to park on the street it will impact surrounding neighborhoods.

(l) Ernie Pile, Shoreline, said he protested the zoning change from R-1 to R-4 about four or five years ago. He questioned if the CB zone is from Ashworth to Fremont. He added that a lot of the speakers are not using the microphones. He said he is disabled and Aurora Avenue is not a transit road. He said his wife walks to it and the 145th bus is not an option. He said his car cannot make a legal u-turn on Aurora Avenue. He said there has been some "slum clearance" on Aurora Avenue.

Deputy Mayor Fimia clarified with Mr. Pile that the affected area doesn't include the entire City, just the CB zones that are 1,300 feet from Aurora Avenue and Ballinger Way.

MEETING EXTENSION

At 11:00 p.m., Councilmember Ryu moved to extend the meeting until 11:30 p.m. Deputy Mayor Fimia seconded the motion, which carried 7-0.

(m) Bill Davies, Shoreline, urged the Council not to support Ordinance 478.

(n) Dwight Gibb, Shoreline, asked the Council to defer their decision because there are still questions concerning impacts and the effects of density. He said the notion of what is good and positive development seems to be missing from the discussion. He asked why the residents should get excited about having more large apartment buildings just because they're close to Fred Meyer. He added that there needs to be a plan for a central Shoreline. He said recreation is informal, and a better vision for different areas in the center of Shoreline would not require grandiose plans. He said there is no need for large parks; pocket parks are better for conversation and for residents to sit and talk. He said the City of Seattle charges 1% on their construction so they can pay for artwork. He asked why Shoreline couldn't do the same thing on development for some social artistry.

He said developers could work with citizens to produce a City that everyone can be proud of.

Deputy Mayor Fimia felt as if the City was trying to do the right things the wrong way. She proposed that the existing amendments not be considered and taken off of the table. She said the City needs to determine what is trying to be accomplished then come back with solutions to the problems.

Councilmember Gustafson said he listened to public and the City staff. He said the City has a Planning Commission that has carried out their duties faithfully. He suggested these two amendments go back to the Planning Commission for reevaluation, with another recommendation coming back to the Council.

Councilmember Ryu questioned if the previous comments from the Planning Commission are entered into the record. Mr. Tovar responded that all of the comments and materials of the Planning Commission, the public, and the City staff are a part of the record. Councilmember Ryu noted there were three comments in favor of Amendment #5, but everyone else was against it. Concerning Amendment #9, she said there are some parties that have a financial interest and four are in favor of it, but everyone else is against it. She urged the Council to be cautious and suggested taking it back to develop more options for affordable housing. She said this is one of those issues that should be taken slowly in order to do a good job. She thanked the Planning Commission and the City staff for their work on this item.

Mayor Ransom said fifteen people called him and stated they were against this measure. He suggested that the Planning Commission consider the west side of Stone Avenue to the east side of Linden Avenue as the boundaries, except there is a line of commercial development on 185th Avenue and 175th where most of the growth is. He suggested that the area go out on 185th Avenue to 1,200 feet instead of 1,300. He said that is where most of the commercial business is going. He said the City should try to limit where the residential units go.

Councilmember Hansen recommended remanding this item to the Planning Commission. He suggested they work on it and bring it back to the Council. Councilmember McGlashan concurred.

Deputy Mayor Fimia noted that the Council is the elected body and if they remand it to the Planning Commission, it should be with some direction. She said the Planning Commission and the City staff need direction. She suggested giving them direction for some short-term solutions for some of these areas. She felt the Planned Area Zones concept from Mr. Tovar makes sense.

Councilmember Way agreed that the Planned Area Zones is more of a customized concept that may be able to address this issue.

Commissioner McClelland said she respects the people that spoke tonight but felt there is still some misunderstanding about the intent of these measures. She hoped everyone who spoke tonight would come to the Planning Commission and listen to their deliberations. She said it would be to the public's advantage to listen and get a grasp of the Development Code. She said she is uncomfortable with the discussion of trying to link Amendments #5 and #9 and with trying to tie Westminster in a way in which it is not connected. She felt our City cultivates conspiracy and she is offended by that.

Mr. Olander felt there are certain themes that the Planning Commission and the City staff can work on, and a lot of them relate to the type of density. He said form-based codes and Planned Areas Zones need to move forward, but with sensitivity to the interfaces between higher density and adjacent single-family and multi-family zones. He said while there is a parking concern, he thinks the public recognizes there is a certain value to locating density near transit. He summarized that as the City considers the South Aurora Triangle, Ballinger Way, and other areas, more time should be taken so there can be more specificity to these interfaces.

Mr. Tovar said the City should alert people about Town Center. On October 22, there will be a Planning Commission recommendation forwarded to the Council for the Phase 1; Town Center Phase 2 will kick-off in the beginning of next year. These should be of particular interest to the people who testified tonight because they will include discussions of regulating density, how to deal with architectural standards, character, amenities, and transitioning the single-family zones from the east to the west. He said no one should be surprised if someone notifies them that the City is working on Town Center and these same issues are involved.

Commissioner Pyle noted that people keep referring to Europe, but it is almost impossible to park in Paris. He pointed out that the Development Code allows for a 50% reduction in parking if it is within a certain proximity to transit. He said the development that could be created right now could actually have less parking than what is proposed by Ordinance No. 483.

Councilmember Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 7-0.

MEETING EXTENSION

At 11:30 p.m., Councilmember Ryu moved to extend the meeting until 11:35 p.m. Deputy Mayor Fimia seconded the motion, which carried 4-3, with Councilmembers McGlashan, Hansen, and Gustafson dissenting.

Councilmember Ryu referred to the Planning Commission work plan and wondered if the area between Ridgcrest and the South Aurora Triangle could be made a part of PLA #3 or #2 depending on the Southeast Shoreline area.

DRAFT

Deputy Mayor Fimia moved to direct the City staff and the Planning Commission to consider testimony and to identify the short and the long-term needs and problems and potential solutions and give the Council recommendations. Councilmember Ryu seconded the motion, which carried 5-2, with Councilmembers Hansen and Gustafson dissenting.

10. ADJOURNMENT

At 11:33 p.m., Mayor Ransom declared the meeting adjourned.

Scott Passey, City Clerk

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